

EXHIBIT A

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOSEFINA MADRID, Guardian ad Litem for
JOSE JARAMILLO, an incapacitated person,

Plaintiff,

CV No.

vs.

CORRECTIONS CORPORATION OF
AMERICA, a Foreign Corporation,
CIBOLA COUNTY CORRECTIONAL CENTER
WALT WELLS, WARDEN, and
RODDIE RUSHING, WARDEN.

CV 2011 01754

Defendants.

SUMMONS

TO: Corrections Corporation of America *a foreign corporation*
c/o Rodey, Dickason, Sloan, Akin & Robb PA as it Registered Agent
201 Third Street, Ste 2200
Albuquerque, NM 87102

GREETINGS:

You are hereby directed to serve a pleading or motion in response to the Complaint and Answers to Interrogatories within thirty (30) days after service of this Summons, and file the same, all as provided by law.

You are notified that, unless you serve and file a responsive pleading or motion, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

Attorneys for the Plaintiff:
Lisa K. Curtis, Esq.
Amalia S. Lucero, Esq.
301 Gold Ave SW, Ste 201
Albuquerque, NM 87102
(505) 243-2808

WITNESS the Honorable THERESA BACA, District Judge of the Second
Judicial District Court of the State of New Mexico, and the Seal of the District Court of said County, this
day of FEB 15 2011, 2011.

(SEAL)

JUANITA M. DURAN
CLERK OF THE DISTRICT COURT

CATHY CHAVEZ

By: _____

STATE OF NEW MEXICO)

DEPUTY

_____) ss.
COUNTY OF _____)

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY:

I certify that I served the within Summons in said County on the _____ day of _____, 2011, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE:

I, being duly sworn, on oath, say that I am over the age of 18 years and not a party to this lawsuit, and that I served the within Summons in said County on the _____ day of _____, 2011, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

To Defendant _____ (used when Defendant receives copy of Summons, is read Summons or Complaint or refuses to receive Summons or hear reading.)

To _____, a person over the age of 15 years and residing at the usual place of above of Defendant _____, who at the time of such service was absent therefrom.

By posting a copy of the Summons and Complaint in the most public part of the premises of Defendant _____ (used if no person found at dwelling house or usual place of abode.)

To _____, (parent) (guardian) of Defendant (used when Defendant is a minor or an incapacitated person.)

To _____, _____
name of person title of person authorized to receive service
(used when Defendant is a corporation or association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision.)

Fees:

SHERIFF OF _____
COUNTY

State of New Mexico

Sheriff _____

By: _____
Deputy

Signature of Private Citizen Making Service
Subscribed and sworn to before me this

day of _____, 2011.

Notary or Other Officer

Authorized to Administer Oaths

Title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOSEFINA MADRID, Guardian ad Litem for
JOSE JARAMILLO, an incapacitated person,

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CV 2011 01754

Defendants.

SUMMONS

TO: Cibola County Correctional Center
c/o Rodey, Dickason, Sloan, Akin & Robb PA as it Registered Agent
201 Third Street, Ste 2200
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Attorneys for the Plaintiff:
Lisa K. Curtis, Esq.
Amalia S. Lucero, Esq.
301 Gold Ave SW, Ste 201
Albuquerque, NM 87102
(505) 243-2808

WITNESS the Honorable TERESA BACA, District Judge of the Second
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day of FEB 15 2011 2011.

(SEAL)

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By: CATHY CHAVEZ

DEPUTY

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

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name of person title of person authorized to receive service
(used when Defendant is a corporation or association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision.)

Fees:

SHERIFF OF _____
COUNTY _____

Signature of Private Citizen Making Service
Subscribed and sworn to before me this

State of New Mexico

day of _____, 2011.

Sheriff _____

Notary or Other Officer

By: _____
Deputy

Authorized to Administer Oaths

Title

ENDORSED
FILED IN MY OFFICE THIS

FEB 15 2011

Guamita M. Duran
CLERK DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

JOSEFINA MADRID, Guardian ad Litem for
JOSE JARAMILLO, an incapacitated person,

Plaintiff

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CORRECTIONS CORPORATION OF
AMERICA, a Foreign Corporation,
CIBOLA COUNTY CORRECTIONAL CENTER
WALT WELLS, WARDEN, and
RODDIE RUSHING, WARDEN.

Defendants.

**COMPLAINT TO RECOVER DAMAGES
FOR PERSONAL INJURIES ARISING FROM MEDICAL MALPRACTICE**

Plaintiff Josefina Madrid, Court Appointed Guardian ad Litem for Jose Jaramillo,
by and through attorneys Curtis Lucero Law Firm (Lisa K. Curtis, Esq. and Amalia S.
Lucero) for her claims against Defendants, states:

1. Plaintiff Josefina Madrid, is a resident of Hatch, New Mexico in the
County of Dona Ana, New Mexico. Ms. Madrid has been duly appointed
by the Third Judicial District Court to act as the Guardian ad Litem for
Jose Jaramillo who is a person with significant disabilities caused by the
negligence of the Defendants and which rendered him incapacitated and
unable to pursue his legal rights against Defendants herein.

2. Defendant Corrections Corporation of America (herein after "CCA") is a foreign for profit private corporation organized under the laws of the State of Delaware, with headquarters in Nashville, TN, which owns and operates prisons throughout New Mexico and specific to this case, does business and operates a prison called Cibola County Correctional Center in the County of Cibola, New Mexico. CCA had sufficient control and otherwise are subject to the jurisdiction of New Mexico under the Long Arm Statute, NMSA, 1978 § 38-1-16 for their acts and omissions that resulted in Jose Jaramillo's injuries and harm.
3. Defendant CCA partners with the Federal Bureau of Prisons and is under contract with the United States government in operating the Cibola County Corrections Center. As part of its operation of Cibola County Correction Center, Defendant CCA employs nurses, physicians, and other healthcare professionals to provide medical care for inmates in adherence to guidelines promulgated by the Federal Bureau of Prisons Clinical Practice Policies in managing the care of the prisoners at the prison.
4. Defendants Walt Wells and Roddie Rushing, are employees of Defendant CCA and were the Wardens of Cibola County Correction Center material and residents of the City of Milan, State of New Mexico at all times material hereto.

5. The events giving rise to this complaint occurred at Cibola County Correction Center, County of Cibola, New Mexico.
6. The registered agent for Defendant CCA, the Rodey Law Firm, resides in the City of Albuquerque, County of Bernalillo, State of New Mexico.
7. Personal jurisdiction and venue pursuant to NMSA 1978, § 38-3-1(F) are proper in the Second Judicial District Court, City of Albuquerque, County of Bernalillo, State of New Mexico.
8. In 2007, Jose Jaramillo was a Federal prisoner in the custody, control, and care of the Cibola County Correctional Center (herein after "CCCC), Bureau of Prisons Correctional Institution Cibola County, in Milan, New Mexico and was scheduled to be released on January 11, 2009.
9. Federal Bureau of Prisons Clinical Practice Guidelines on Preventive Health Care, in effect at all relevant times, required all Federal prisoners diagnosed with diabetes receive the vaccination for pneumococcal meningitis.
10. Defendant CCA knew Mr. Jaramillo was a diabetic.
11. Defendant CCA healthcare providers failed to vaccinate Mr. Jaramillo for pneumococcal meningitis even though they knew he was diabetic, in violation of the mandatory Federal Bureau of Prisons' Clinical Practice Policies.

12. Upon information and belief, in early May of 2008, Mr. Jaramillo showed symptoms of meningitis. His symptoms were not taken seriously by Defendant CCA healthcare providers and staff until May 22, 2008, when Mr. Jaramillo experienced a sudden change in mental status, and became unconscious. He was transferred to Cibola General Hospital where a diagnosis of sepsis (systemic infection) was made followed by a transfer to Lovelace Women's Hospital in Albuquerque, New Mexico. Mr. Jaramillo remained as a patient at Lovelace, intubated and ventilator dependent from May 22, 2008 until June 23, 2008 with a diagnosis of sepsis from pneumococcal meningitis.
13. Despite receiving aggressive although seriously delayed treatment for pneumococcal meningitis, Mr. Jaramillo was left with permanent and severe brain damage.
14. On July 26, 2008 due to the severity of his brain damage, Mr. Jaramillo was transferred to the Federal Medical Center (FMC)(a Federal prison in Rochester, Minnesota) for long term care where he remained imprisoned until December 9, 2010, regardless of the fact his total sentence expired January 10, 2009. On December 10, 2010, he was finally released from the Federal Medical Center to a nursing home in Las Cruces, New Mexico.
15. Defendant CCA was required to follow the Federal policy mandating the

vaccination of diabetic prisoners, which vaccination if given would have reasonably prevented Mr. Jaramillo, a diabetic, from contracting pneumococcal meningitis while a prisoner in CCCC.

16. Additionally, the CCA staff at CCCC failed to appropriately assess, treat, and care for Mr. Jaramillo once he acquired pneumococcal meningitis in the facility contributing to cause Mr. Jaramillo's condition resulting in permanent brain damage.
17. Mr. Jaramillo who suffered permanent, severe brain damage, is immobile and reliant on trained medical providers for all activities of daily living. The medical charges for Mr. Jaramillo are pending and continuing. His need for extensive 24 hour 7 day a week care is documented by the Federal Medical Center. Mr. Jaramillo has and will continue to experience in the future pain and suffering, lost enjoyment of life, lost earnings, lost earning capacity and other attendant damages.
18. Defendant CCA by and through their employees at Cibola County Correctional Center failed to use ordinary care in furnishing healthcare for Jose Jaramillo, which contributed to cause his permanent and tragic injury and damages.
19. Defendant CCA is vicariously liable for the negligent actions or failures to act of the physicians, nurses, and staff responsible for

CCA's care and treatment of Jose Jaramillo-Frias.

20. Defendants Wells and Rushing as Wardens of the prison and employees of Defendant CCA are in part responsible for the implementation of and adherence to bureau guidelines and policies.
21. Defendants had a duty to Jose Jaramillo to act within the proper standard of care, in their care and treatment of his medical condition and by failing to do so, contributed to cause injuries and damages, including a permanent brain damage to Mr. Jaramillo.
22. As a direct and proximate result of the failure to vaccinate Mr. Jaramillo and then inadequate and negligent care and overall lack of treatment by the Defendant of his foreseeable condition Mr. Jaramillo has suffered, including but not limited to, the following injuries and damages:
 - A. Devastating, severe and permanent brain damage and injury;
 - B. Substantial medical, hospital and medically-related expenses which will continue for the remainder of his life;
 - C. Past and future loss of household services, earnings and earning capacity and activities;
 - D. Severe and excruciating pain and suffering both mentally and physically;
 - E. Past and future loss of quality of life;

H. Non-medical expenses, including care-taking and;

I. Potential shortened life opportunity.

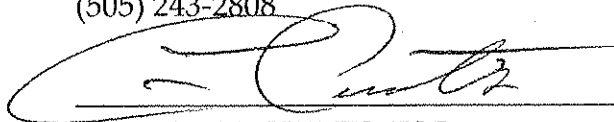
23. Upon information and belief Mr. Jaramillo was seen repeatedly by the physicians, nurses and staff of Defendants wherein they ignored his symptomology and/or failed to take his symptoms seriously allowing them to progress to a near fatal state evidencing reckless disregard for his safety.
24. That at all times pertinent hereto, and as to all acts alleged herein, the physicians, nurses, and staff were employees or agents of Defendant CCA, acting within the scope of their duties as employees, and otherwise acting with the full knowledge and consent of Defendant CCA. Defendant CCA ratified or participated in the acts of its employees which were negligent, reckless and/or careless in nature, such that Defendant CCA is vicariously liable for all damages, including punitive damages attributed to its employees.
25. That as a direct and proximate result of the negligence of the Defendants, Jose Jaramillo, suffered severe and permanent injuries to his body and his mind resulting in pain and suffering, both physical and mental, past and future medical expenses; has been required to undergo hospital, doctor and medical treatments, incurring non-medical expenses, has suffered a

loss of enjoyment of life, has been unable to engage in normal family, social, recreational, and household activities and other damages, many of which will continue into the future. Jose Jaramillo is entitled to compensation for the above damages.

WHEREFORE, Plaintiff prays for a judgment against Defendants be awarded in an amount reasonably necessary to compensate for their damages and injuries, for punitive damages, for interest including pre- and post-judgment interest, costs, and for such other and further relief as this Court may deem just and appropriate.

Respectfully submitted,

CURTIS LUCERO LAW FIRM
301 Gold Ave., Southwest, Suite 201
Albuquerque, New Mexico 87102
(505) 243-2808

A handwritten signature in black ink, appearing to read 'Lisa K. Curtis', is written over a horizontal line.

By: LISA K. CURTIS, ESQ.
AMALIA S. LUCERO, ESQ.

Attorneys for Plaintiff

DORSED
FILED IN MY OFFICE THIS

FEB 15 2011

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Quamiro M. Duran
CLERK DISTRICT COURT

SAITTY CHAVEZ

JOSEFINA MADRID, Guardian ad Litem for
JOSE JARAMILLO, an incapacitated person,

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CORRECTIONS CORPORATION OF
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CIBOLA COUNTY CORRECTIONAL CENTER
WALT WELLS, WARDEN, AND RODDIE RUSHING, WARDEN,
~~and JOHN DOES 18, DC~~

Defendants,

CERTIFICATION REGARDING ARBITRATION UNDER RULE 603

Curtis and Lucero, attorneys for Plaintiff, certifies that:

_____ This case is subject to referral to arbitration under Local Rule 603.
No party seeks relief other than a money judgment and no party seeks an award
in excess of \$25,000, inclusive of punitive damages and exclusive of interest, costs
and attorneys' fees.

 X This case is not subject to referral to arbitration under Local Rule 603
because at least one party seeks relief other than a money judgment and/or at least
one party seeks an award in excess of \$25,000, inclusive of punitive damages and
exclusive of interest, costs and attorneys' fees.

Respectfully submitted by,

CURTIS AND LUCERO

Attorney for Plaintiff

A handwritten signature in black ink, appearing to read "Lisa K. Curtis", is written over a horizontal line.

LISA K. CURTIS

AMALIA S. LUCERO

301 Gold Ave. SW Ste. 201

Albuquerque, NM 87102

Phone: (505) 243-2808

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